

REMARKS

This is in response to the Office Action dated March 20, 2009. Applicant has amended the application as set forth above. In specific, Claims 1, 2, 4 and 6-8 have been amended. All the features of the amended claims are fully supported by the originally filed application. Thus, the amendments do not add new matter to the application. Upon the entry of the amendments, Claims 1-9 are pending in this application. Applicant respectfully requests the entry of the amendments and reconsideration of the application.

Claim Objections

Claim 6 was objected to by the Examiner because of informalities. In response, Applicant has amended Claim 6 to resolve the formality issues as shown in the Amendments to Claims.

Claim Rejections under 35 U.S.C. §102

The Examiner rejected Claims 1-6 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,147,059 ("Olsen" et al.). Applicant respectfully disagrees with the Examiner but has amended Claims 1, 2, 4 and 6 to clarify the inventive points.

Claim 1 of the Instant Application (Emphasis added)

A one touch-type container stopper, comprising:
a hermetically sealing part having a plurality of first supporting protrusions at a lower end thereof, the first supporting protrusions being formed to protrude inwardly such that they are elastically supported along an outer peripheral surface of a mouth of the container, the sealing part being fitted around the mouth to seal the container; and
a cover part having a hinge part formed integrally with and extending from the first supporting protrusions and then bent, and a plurality of second supporting protrusions at a lower end thereof to protrude inwardly therefrom, each of the plurality of second supporting protrusions being connected to a corresponding one of the plurality of first supporting protrusions through the hinge part, the cover part being positioned outside of the sealing part,
wherein the second supporting protrusions are connected to one another through a band member,

wherein when the upper end of the hermetically sealing part is pressed down and the cover part is simultaneously pulled upward at a plurality of ridges formed along an edge of the upper end of the cover part, the lower ends of the hermetically sealing part and the cover part connected through the hinge part are elastically deformed so that the first and second supporting protrusions are flared outwardly while pivoting outwardly.

Olsen Does Not Anticipate Present Claims

Claim 1 of the instant application is directed to a one touch type stopper and a container. The one touch type container stopper includes a hermetically sealing part having a plurality of first supporting protrusions, a cover part having a hinge part, a plurality of second supporting protrusions connected to the first supporting protrusions through the hinge part. (See Figs. 2 and 3)

Whereas, Olsen discloses a seal with automatic release, which includes a fulcrum rib (50), an arcuate edge (52), a series of vent-defining projections or protuberances (42), a circular central section (20), an annular lever section (22), an annular imperforate side wall (28), and an outer edge (26). (See Figs. 4, 5, and 8; col. 3, lines 43-53, and col. 4, lines 47-61) In view of Olsen's disclosure, Applicant respectfully disagrees with the Examiner's statement of "*a hermetically sealing part (50) having a plurality of first supporting protrusions (52)... a cover (20, 22, and 28) part having a hinge part (26)... a plurality of second supporting protrusions (42)...*"

In Olsen's seal, the arcuate edge (52) are NOT connected to the series of vent-defining projections or protuberances (42) through the outer edge (26) as clearly seen in Figs. 4 and 5.

Therefore, Applicant submits that the arcuate edge (52), the series of vent-defining projections or protuberances (42), and the outer edge (26) CANNOT teach first supporting protrusions, second supporting protrusions, and a hinge part as in the present invention.

Also, the outer edge (26) is "*NOT providing a relatively flexible hinge as at 24.*" (See col. 3, lines 54-63) Therefore, Claim 4 is NOT anticipated by Olsen. The outer edge (26) is NOT a hinge, and does NOT provide a "connecting bridge" between the first and second supporting protrusions.

Furthermore, with the structures of Olsen's seal, it is NOT possible to have an operation as in the present invention, in which when the upper end of the hermetically sealing part is pressed down and the cover part is simultaneously pulled upward at a plurality of ridges formed

along an edge of the upper end of the cover part, the lower ends of the hermetically sealing part and the cover part connected through the hinge part are elastically deformed so that the first and second supporting protrusions are flared outwardly while pivoting outwardly. Therefore, Olsen does NOT anticipate the amended Claims 1 and 2.

Withdrawal of the rejections to Claims 1-6 is requested respectfully.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected Claims 7-9 under 35 U.S.C. §103(a) as being unpatentable over Olsen et al. in view of U.S. Patent No. 4,500,006 (La Fortuna et al.). Applicant respectfully disagrees with the Examiner. Still, Applicant has amended Claims 7 and 8 for clarifying the inventive points of the present invention.

As discussed above with regard to Claims 1 and 2, Olsen does not anticipate the inventive points of the present invention, and it is clear that La Fortuna does NOT cure the deficiency of Olsen in the structure of the container stopper.

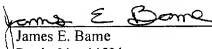
Therefore, Applicant respectfully submits that Olsen, La Fortuna, or their combination does not teach or suggest the amended Claims 7-9. Withdrawal of the rejections is requested respectfully.

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that claims 1-9 are in condition for allowance, and such action is respectfully solicited, if required, under the *Examiner's Amendment*. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,

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